

**REMARKS/ARGUMENTS**

In light of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Claims 1-3, 5, 7-11, 13, 15-18, 20-21, 24-25, 28-30, 34, 36-38, 40-42, 46,, and 51-54 are pending in this application. Claims 4, 6, 12, 14, 19, 22-23, 26-27, 31-33, 35, 39, 43-45, 47-50, and 55-86 are canceled.

Applicants appreciate the indication that claims 2, 8, 10, 16, 18-24, 26-33, 36, 38, 41-45, 47-50, 62-67, 73-79 and 82-84 would be allowable if rewritten in independent form. Applicants believe rejected claims 51-58, which are similar to allowable claims 18 and 26, should also be allowable.

Claims 1, 9, 17, 25, 40, 51, 61, 68, and 81 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The claims have been amended to clarify "embedding sub data at least into margin bits of said modulation processed main data", which the Examiner has indicated is supported in the specification. Accordingly, this rejection has been overcome.

Claims 1, 3-7, 9, 11-15, 17, 25, 34-35, 37, 39-40, 46, 51-58, 61, 68-72, 80-81 and 85-86 were rejected under 35 U.S.C. §103(a) as being unpatentable over Miwa et al. (EP 09 42418) in view of Kuroda et al. (EP 09 69463).

The present claims now recite "wherein the margin bits are used for adjustment of deviation in a direct current balance of the recorded modulation processed main data." (Claims 1, 9, 17, 25, 40, and 51) This limitation is supported beginning at page 13, line 13 of the specification. Applicants respectfully assert that neither Miwa nor Kuroda discloses an analogous

purpose for the margin bits in adjusting the DC balance of the recorded signal.

Accordingly, for at least this reason, Miwa and Kuroda fail to meet "the margin bits are used for adjustment of deviation in a direct current balance" limitation of the present invention, and the rejected claims should now be allowed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095.

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Respectfully submitted,

By 

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